

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LUIS ORTIZ,

Petitioner,

-v.-

U.S. DEPARTMENT OF HOMELAND
SECURITY,

Respondent.

22 Civ. 10327 (JHR)

ORDER

JENNIFER H. REARDEN, District Judge:

On April 18, 2023, Petitioner filed a letter requesting an extension of the deadline to respond to Respondent's motion to dismiss the Petition and the appointment of counsel to assist him with preparing his response to that motion. *See* ECF No. 17.

Insofar as Petitioner seeks to extend the deadline to respond to Respondent's motion to dismiss and any accompanying papers filed in support thereof, Petitioner's request is GRANTED. Petitioner shall respond by **July 7, 2023**.

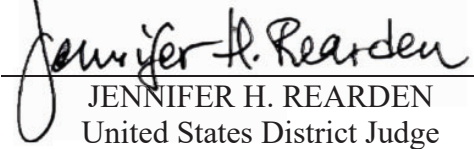
With respect to Petitioner's request for appointment of counsel, the Court must consider "the merits of [the] plaintiff's case, the plaintiff's ability to pay for private counsel, his efforts to obtain a lawyer, the availability of counsel, and the plaintiff's ability to gather the facts and deal with the issues if unassisted by counsel." *Cooper v. A. Sargenti Co., Inc.*, 877 F.2d 170, 172 (2d Cir. 1989) (per curiam). The Court must be cognizant of the fact that volunteer attorney time is a precious commodity, and thus, should not grant a request for counsel indiscriminately. *Id.*

In this case, a more fully developed record will be necessary before it can be determined whether Petitioner's chances of success warrant his request for counsel and if he is able to gather facts and deal with the issues raised in Respondent's motion unassisted by counsel. Accordingly, Petitioner's request for the appointment of counsel is DENIED without prejudice to renewal at such time that the appropriate showing can be made.

The Clerk of Court is directed to mail a copy of this Order to the *Pro Se* Petitioner.

SO ORDERED.

Dated: May 2, 2023
New York, New York



JENNIFER H. REARDEN
United States District Judge